GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Police – Appeal Petition of Sri K. Nagababu, Ex. PC 2225 of Vijayawada city against the punishment of "Termination of Probation" by the Commissioner of Police, Vijayawada City – Punishment Set aside and the absence period treated as Eligible Leave / EOL and the Out of Employment period to be treated as Not on Duty - Orders - Issued.

HOME (SERVICES.II) DEPARTMENT

G.O.RT.No. 95 Dated: 03-02-2020
Read :-

From the Director General of Police, AP, Lr. Rc. No. 213/E3/2018,
Dated: 15.03.2019.

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ORDER:

In the reference read above, the Director General of Police, Andhra Pradesh has informed that Sri K. Naga Babu, Ex. PC 2225 of Vijayawada City has submitted a representation, dated: Nil requesting to reinstate him into services in pursuance of APAT orders dated: 09.02.2018 in OA No. 220/2018, filed by him against the termination of probation orders issued by the CP, Vijayawada City.

2. The Commissioner of Police, Vijayawada city in his letter dated: 11.06.2018 has informed that Sri K. Nagababu, was appointed as PC 2225 of Vijayawada city w.e.f. 27.08.2010 and he was placed on probation of three years vide order dated: 27.08.2010 of the CP, Vijayawada city. The above PC could not complete his probation within the prescribed period and his activities during this period were found to be adverse as per the Provision of Rule 16 & 17 of AP State and Subordinate Service Rules. Hence, he was served with a show cause notice dated: 24.04.2014, by the CP, Vijayawada City and he acknowledged the same on 26.04.2014.

3. In pursuance of the APAT orders dated: 11.02.2016 in OA No. 3289/2014, the Ex. PC has submitted his explanation to the show cause notice on 06.09.2016. Having gone through the explanation of the Ex. PC, the CP, Vijayawada City, terminated him from service, as per the provisions of Rule 17 of AP State and Subordinate Service Rules, 1996, vide order C. No. 2795/A9/2012, Dated: 25.01.2018, for his unsatisfactory performance.

4. Aggrieved with the above orders, the Ex. PC again filed OA No. 220/2018 in the Hon'ble Tribunal. The APAT in its orders dated: 09.02.2018 while dismissing the OA held that :

> "As against the impugned order dated: 25.01.2018 of the CP, Vijayawada City the applicant has got right of appeal to the competent authority under Rule 26 of the AP State and Subordinate Service Rules, 1996, since it is a matter touching infringement of the applicant's conditions of service. This tribunal previously held that communication of DGP that no appeal lies against order of discharge from probation was invalid for the said reason. Therefore, the applicant will be at liberty to question the impugned order of discharge from probation dated: 25.01.2018 by filing appeal before the competent appellate authority, subject to the period of limitation".

5. According to the instructions issued in Government Memo. No. 22142/Pol.A2/98-2, General Administration Department, dt: 29.05.1999, r/w/ C.O., Circular Memo. No. 1006/E2/1998, Dt: 15.06.1999, a probationer who is discharged from service under Clause [ii] of Rule 17[a], on account of unsatisfactory performance or progress during training or unsatisfactory performance of duties or unsatisfactory conduct or for any other sufficient reasons to be recorded in writing, is not entitled for appeal.

6. In view of the findings of the Hon'ble APAT in O.A.220/2018 the applicant submitted an appeal seeking his reinstatement.

(Contdd.p-2)

7. In his appeal petition, Sri K.Naga Babu, Ex.PC 2225 has stated that he was enlisted as APSP PC in the year 2005 and successfully completed his probation. In the year 2008, he selected as Civil Constable and allotted to Vijayawada City and after completion of his training posted to Machavaram PS on 27-08-2010. When he was absented from duty, as part of his preparation for SI selection, a show cause notice dt:24-04-2014 was received from the Commissioner of Police, Vijayawada City regarding explanation for termination on probation from the date of appointment i.e. 27-08-2010. Further, the Commissioner of Police, Vijayawada City vide order dt: 25-01-2018 terminated his probation with immediate effect under Rule 17 of A.P.State & Subordinate Service Rules, 1996. Aggrieved by the above said orders, the Ex.PC has approached the Hon'ble APAT for justice to cancel the impugned order given by the Commissioner of Police Vijayawada City. The Hon'ble APAT had issued direction to file appeal petition before appellate authority for justice. Now, he has requested the Government to consider his request on humanitarian grounds.

8. Government, after careful examination of the matter with reference to the records made available, hereby set aside the punishment of "Termination of Probation" in respect of Sri K. Naga Babu, Ex. PC 2225 of Vijayawada City. The absence period treated as Eligible Leave / EOL and the Out of Employment period to be treated as Not on Duty.

9. The Director General of Police, Andhra Pradesh is requested to take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

K R M KISHORE KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Police, Andhra Pradesh, Mangalagiri.
The individual through the DGP, A.P.
Copy to: OSD to Hon'ble M(Home)
Copy to: SF/SC

//FORWARDED :: BY ORDER//

SECTION OFFICER